

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

ROBBINS, et al.,)	CIVIL ACTION NO. C-1-00 706
)	
Plaintiffs,)	
)	
v.)	Judge Weber
)	
MATTEL, INC.,)	Magistrate Judge Hogan
)	
Defendant.)	

OBJECTIONS OF MATTEL, INC. TO EVIDENCE SUBMITTED BY
PLAINTIFFS IN OPPOSITION TO MOTION FOR
PARTIAL SUMMARY JUDGMENT ON PLAINTIFFS' CLAIMS
FOR AN ACCOUNTING OF PROFITS

Defendant Mattel, Inc. ("Mattel") respectfully submits the following objections to the Declaration of Bruce Tittel dated August 29, 2003, filed by Plaintiffs in support of their opposition to Mattel's motion for partial summary judgment on Plaintiffs' accounting claims:

1. Paragraph 2 and exhibit 1 thereto are irrelevant to the matters presented in Mattel's motion and, therefore, are inadmissible. Fed. R. Evid. 402. As discussed thoroughly in the moving papers and in Mattel's reply memorandum, Mattel's Motion addresses the issue of whether Plaintiffs have identified any protectible elements of the 1971 Instructions that Mattel has allegedly utilized, and has nothing to do with the UNO "game" or its popularity.

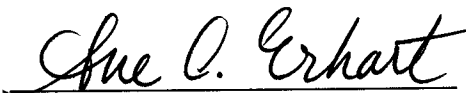
2. Paragraph 3 and Exhibit 2 thereto are inadmissible in that they are irrelevant to the matters presented in Mattel's Motion and, therefore, inadmissible. Fed. R. Evid. 402. As shown in Mattel's moving and reply papers, Mattel's Motion has nothing to do with the UNO card game.

3. Paragraph 4 and Exhibit 3 of the declaration are inadmissible in that they are irrelevant to the matters presented on Mattel's Motion. Fed. R. Evid. 402. The validity of the '531 Copyright, or any renewals thereof, are not relevant to the issue presented on Mattel's motion, which is simply whether any Plaintiffs have shown that Mattel is utilizing any copyright-protected expression of the 1971 Instructions.

4. Paragraph 5 and Exhibit 4 of the declaration are inadmissible because they are not relevant to the issues raised on Mattel's motion. Fed. R. Evid. 402. The popularity of the UNO "game" is irrelevant to Mattel's motion, which is concerned solely with identifying copyright protected expression from the 1971 Instructions that Mattel has allegedly used.

DATED: September 9, 2003

Respectfully submitted,



Michael T. Zeller
Marc Greenwald
Steven Vaughan
QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017-2543
Telephone: (213) 624-7707
Facsimile: (213) 624-0643

Patrick F. Fisher
Sue A. Erhart
KEATING, MUETHING & KLEKAMP, P.L.L.
1400 Provident Tower
One East Fourth Street
Cincinnati, Ohio 45202
Telephone: (513) 579-6400
Facsimile: (513) 579-6457
Attorneys for Defendant
Mattel, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of OBJECTIONS OF MATTEL, INC. TO EVIDENCE SUBMITTED BY PLAINTIFFS IN OPPOSITION TO MOTION FOR PARTIAL SUMMARY JUDGMENT ON PLAINTIFFS' CLAIMS FOR AN ACCOUNTING OF PROFITS has been served upon Bruce Tittel, Esq., Wood, Herron & Evans, 2700 Carew Tower, 441 Vine Street, Cincinnati, Ohio 45202, by regular U.S. mail on this the 9th day of September, 2003.



Sue A. Erhart

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